

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

| | | | |
|--|-----------|---|--------------------------------|
| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED] | | GRADE AB | AFSN/SSAN [REDACTED] |
| PERSONAL APPEARANCE | | RECORD REVIEW | |
| COUNSEL | | ADDRESS AND OR ORGANIZATION OF COUNSEL | |
| YES | No | | |
| | X | | |

| VOTE OF THE BOARD | | | | |
|-------------------|-----|-------|-------|------|
| HON | GEN | UOTHC | OTHER | DENY |
| X** | | | | |
| X** | | | | |
| X** | | | | |
| X** | | | | |
| X** | | | | |

| | | | | |
|-------------------------|-------------------------------|--|--|--|
| ISSUES A94.56 | INDEX NUMBER A67.10 | EXHIBITS SUBMITTED TO THE BOARD | | |
| | | 1 | ORDER APPOINTING THE BOARD | |
| | | 2 | APPLICATION FOR REVIEW OF DISCHARGE | |
| | | 3 | LETTER OF NOTIFICATION | |
| | | 4 | BRIEF OF PERSONNEL FILE | |
| | | | COUNSEL'S RELEASE TO THE BOARD | |
| | | | ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE | |
| | | | TAPE RECORDING OF PERSONAL APPEARANCE HEARING | |

| | | |
|------------------------------------|-------------------------------------|--|
| HEARING DATE 12 Aug 2010 | CASE NUMBER FD-2009-00044 | |
|------------------------------------|-------------------------------------|--|

APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard in Washington, D.C. via video teleconference with Randolph AFB TX on 12 Aug 2010.

Advise applicant of the decision of the Board and the right to submit an application to the AFBCMR.

Names and votes will be made available to the applicant at the applicant's request.

* CHANGE RE CODE
+ CHANGE REASON AND AUTHORITY TO SECRETARIAL AUTHORITY

NT

550 C STREET WEST, SUITE 40
RANDOLPH AFB, TX 78150-4742

1535 COMMAND DR, 4E WING, 3RD FLOOR
ANDREWS AFB, MD 20762-7001

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

FD-2009-00044

GENERAL: The applicant appeals for upgrade to honorable, change reason and authority and authority and change reenlistment code. The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

The applicant appeared and testified before the Discharge Review Board (DRB) with counsel from the Texas Veterans Commission (Mr. A.), via video teleconference between Andrews AFB Maryland and Randolph AFB, Texas on 12 Aug 2010. The following witness also testified on the applicant's behalf: Mr. Stephen F. Lowry (Father).

FINDING: The discharge is upgraded to honorable and change of reason and authority and change of reenlistment code were granted.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's characterization should be changed to Honorable.

ISSUE: The applicant contends discharge was inequitable, because it was based on one isolated incident with only seven months of service. The record indicates the applicant received an Article 15, a Letter of Reprimand (LOR), a Letter of Counseling (LOC) and two Records of Individual Counseling (RIC) for misconduct. The Article 15 was a result of consuming alcohol while under 21, and visiting an off-base lodging without approval. He had additional misconduct and was administratively disciplined for sleeping or displaying the appearance of sleeping in class, sleeping during a class lecture, failing dorm room inspection, using profanity and not having an AETC Form 341. In regards to the Article 15 for underage drinking, the applicant contends that he did not have approval to visit the off-base lodging, but he did not drink alcohol the night of the party. During the investigation for underage, the applicant was never identified or implicated for underage drinking. The applicant admitted to receiving counseling for sleeping in class, but only after a 13 hour bus ride from technical training school. The board opined that these administrative actions were not properly characterized as instances of misconduct, but rather, in the training environment, as unsatisfactory performance. The board concluded that using minor disciplinary infractions to constitute a misconduct discharge was inequitable. The Board also agreed to change the applicant's reason and authority and his reenlistment code.

CONCLUSION: The Discharge Review Board concludes that the discharge was not consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided full administrative due process.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by an Honorable discharge and the reason for the discharge is more accurately described as Secretarial Authority with a reenlistment code of 3K under the provisions of Title 10, USC 1553.

Attachment:
Examiner's Brief